

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**Book People, Inc., VBK, Inc., American  
Booksellers Association, Association of  
American Publishers, Authors Guild, Inc.,  
Comic Book Legal Defense Fund,  
*Plaintiffs,***

**v.**

**Martha Wong, Keven Ellis, Mike Morath,  
*Defendants.***

**Civil No.  
AU: 23-CV-00858-ADA**

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**NOTICE OF PLAINTIFF'S FEDERAL RULE OF CIVIL PROCEDURE 26 REPORT**

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On May 8, 2024, the Court conducted a conference in the above-entitled matter and all parties appeared through counsel. Following the hearing, despite repeated requests to do so by the Plaintiffs, the State has refused to engage in a Rule 26f conference. *See* Exhibits A, B, and C.

- On June 21, 2024, Plaintiffs sent an email indicating the need to discuss the breadth of the State's anticipated discovery and suggesting a Rule 26 conference on July 24 or 26. *See* Exhibit A.
- On June 25, 2024, Plaintiffs sent an email indicating the inability to respond to Nos. 4, 5, 10-14 (including questions about the scope of discovery) in the proposed Joint Rule 26f Report attached to the email without a conference and, for the second time, proposed a conference on July 24 or 26. *See* Exhibit B.
- On June 27, 2024, Plaintiffs sent a third request/proposal for a Rule 26 conference on July 24 or 26 and explaining that without a meaningful discussion about the scope of discovery, as contemplated by the rules, Plaintiffs cannot agree to the State's proposed scheduling order. *See* Exhibit C.

Because there has been no meaningful discussion about the scope of discovery sought, Plaintiffs have been unable to agree on a Scheduling Order. Plaintiffs submit this their Rule 26 Report incorporating those provisions the parties were able to separately submit (and have exchanged) but not providing substantive responses to Nos. 4, 5, 10-14 because these items are to be discussed at a Rule 26 conference, which has not occurred.

Respectfully submitted,

/s/ Laura Lee Prather

Laura Lee Prather  
Texas Bar No. 16234200  
laura.prather@haynesboone.com  
Catherine L. Robb  
Texas Bar No. 24007924  
catherine.robbs@haynesboone.com  
Michael J. Lambert  
Texas Bar No. 24128020  
michael.lambert@haynesboone.com  
Reid Pillifant  
Texas Bar No. 24126157  
reid.pillifant@haynesboone.com

**HAYNES AND BOONE, LLP**  
600 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Telephone: (512) 867-8400  
Facsimile: (512) 867-8470

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 31st day of July, 2024, a true and correct copy of the above document was served via the CM/ECF system to all counsel of record.

/s/ Laura Lee Prather

Laura Lee Prather